

AHM/FMS May.11

GJ # 14

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR NO.
)	
HARRY DANE SMALL, JR.)	

INDICTMENT

COUNTS ONE THROUGH TWELVE: (29 U.S.C. § 501(c))

The Grand Jury charges:

A. From on or about the 8th day of August, 2008, until on or about the 3rd day of February, 2009, in Calhoun County, within the Northern District of Alabama, the defendant,

HARRY DANE SMALL, JR.,

being an officer of the United Steel Workers of America, AFL-CIO, Local 9506, that is, Secretary-Treasurer and being employed directly by the labor union engaged in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use moneys, funds, securities, and checks, as set out below, in the approximate amount of **\$25,820**, in violation of Title 29, United States Code, Section 501 (c).

B. The allegations contained in paragraph A, above, are hereby re-alleged and

incorporated by reference for each of the following counts, as though set forth herein.

<u>Counts</u>	<u>Check Date</u>	<u>Amount</u>	<u>Check Number</u>
One	8/8/08	\$9,000.00	268
Two	8/20/08	\$1,100.00	269
Three	9/8/08	\$3,000.00	276
Four	9/19/08	\$4,000.00	281
Five	10/17/08	\$ 600.00	292
Six	10/24/08	\$2,500.00	296
Seven	11/4/08	\$3,000.00	300
Eight	11/8/08	\$ 800.00	301
Nine	11/13/08	\$ 350.00	305
Ten	01/19/08	\$ 500.00	316
Eleven	01/24/09	\$ 370.00	318
Twelve	02/3/09	\$ 200.00	327

All in violation of Title 29, United States Code, Section 501(c).

FORFEITURE

18 U.S.C. § § 981 (a)(1)(C) and 28 U.S.C. § 2461(c)

1. The allegations of Count One of this Indictment are re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States pursuant to the provisions of Title 18, U.S.C. Section 981 (a)(1)(C) and 28 U.S.C. Section 2461(c).
2. Pursuant to Rule 32.2(a) Fed. R. Crim. P., the defendants are hereby notified that pursuant to Title 18, United States Code, Section 982 (a) and (a)(3)(B), the defendants,

HARRY DANE SMALL, JR,

upon conviction of the offense set forth in Count One of this Indictment, shall forfeit to the United States any property, real or personal, that constitutes or is derived from, directly or indirectly, gross proceeds traceable to the commission of the said violation including but not limited to:

A JUDGMENT FOR PROCEEDS,

A sum of money equal to **\$25,820** in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

All in accordance with Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), and Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL

/s/ Electronic Signature
FOREMAN OF THE GRAND JURY

JOYCE WHITE VANCE
United States Attorney

/s/ Electronic Signature
FRANK M. SALTER
Assistant United States Attorney